

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

CORY WINANS,

Plaintiff,

vs.

PHILLIP DICKERMAN et al.,

Defendants.

3:08-cv-00412-RCJ-WGC

**ORDER**

Plaintiff is a state prisoner who sued Defendants for violations of his civil rights pursuant to 42 U.S.C. § 1983. Plaintiff dismissed his claims with prejudice as part of a Settlement Agreement (“SA”) that the Court approved. Plaintiff has now filed a motion under Rule 60(b)(3) asking to be relieved from final judgment and to file an amended complaint due to alleged subsequent civil rights violations. Plaintiff alleges the following new violations: (1) seven unconstitutional searches of his cell; (2) retaliation in violation of the First Amendment right to petition via the alteration and subsequent denial of one of his grievances in retaliation for complaining about the cell searches; and (3) the refusal of dental care, also in retaliation for complaining about the cell searches, and which Plaintiff also alleges constitutes a direct violation of his Fifth, Eighth, Ninth, and Fourteenth Amendment rights.

Plaintiff notes that the SA provided that the U.S. District Court for the District of Nevada would be the exclusive forum for the adjudication of disputes concerning the agreement. The Court retains jurisdiction to enforce the SA. However, Plaintiff alleges no violation of the SA. He does not allege that Defendants have failed to pay him his \$600, which appears to be their

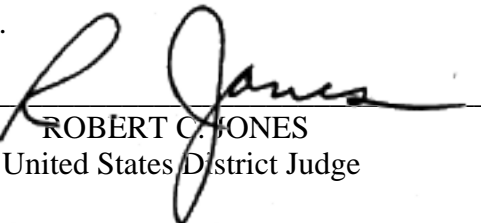
1 only substantive obligation under the SA. Rather, Plaintiff alleges new and independent civil  
2 rights violations. The scope of the SA involves only those disputes existing at the time the  
3 parties entered into the SA and did not purport to constitute a continuing injunction. (*See* SA Part  
4 II, July 13, 2009, ECF No. 25). In exchange for \$600, Plaintiff released the parties and others  
5 from all past and present claims that were brought or could have been brought in the Complaint.  
6 (*See id.* Part III.A). The Court therefore denies the motion. Plaintiff must file a new action if he  
7 believes he has been subjected to new civil rights violations.

8 **CONCLUSION**

9 IT IS HEREBY ORDERED that the Motion for Relief from Judgment (ECF No. 30) is  
10 DENIED.

11 IT IS SO ORDERED.

12 Dated this 7th day of December, 2011.

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14 ROBERT C. JONES  
United States District Judge  
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